

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID KRAMER, Individually, and as)	
the President and Sole Owner of CERTIFIED)	
CAR SALES, LLC, a Missouri Limited)	
Liability Company,)	
)	Case No. 08 CV 2530
Plaintiff,)	
v.)	Honorable Ruben Castillo
)	
SHERIFF'S DEPUTY STEVEN STELTER;)	Magistrate Judge Arlander Keys
Individually and as Deputy)	
of the DuPage County Sheriff's Office;)	
et al.,)	
Defendants.)	

DEFENDANT STELTER'S MOTION FOR LEAVE TO FILE STATEMENT OF COMPLIANCE

NOW COMES DuPage County Sheriff's Deputy STEVEN STELTER (hereinafter 'Stelter'), by and through his attorney, JOSEPH E. BIRKETT, DuPage County State's Attorney, and his Assistants Paul F. Bruckner and William R. Roberts, and respectfully moves this Court for leave to file his 'Statement of Compliance' consistent with Judge Ruben Castillo's Case Management Procedures' and in support thereof states as follows:

Stelter, by and through his attorney, William R. Roberts, Assistant State's Attorney, DuPage County, (hereinafter Roberts) filed his Motion to Dismiss 'Verified Complaint at Law' Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on July 8, 2008. Said motion, including four (4) exhibits, articulates the legal and factual grounds upon which Stelter contends Plaintiff's 'Verified Complaint at Law' should be dismissed. Stelter's motion was served upon the plaintiff through his attorney, Steven M. Komie (hereinafter Komie).

Roberts inadvertently failed to contact Komie prior to filing said Motion to Dismiss in an attempt to resolve issues relating to said motion. On July 14, 2008, Roberts called Komie's office and left a message regarding an attempt to resolve matters before the initial status hearing. As of

July 17, 2008, the telephone call had not been returned. On July 15, 2008, DuPage County State's Attorney's Office staff was unsuccessful in attempting to obtain the telefacsimile number for Komie's office in order that a letter summarizing the legal and factual grounds for the motion could be transmitted. Attempts to electronically mail said letter were equally unsuccessful. On July 16, 2008, Roberts sent a letter summarizing the legal and factual grounds for the motion to Komie via 'certified mail'.

Stelter, by and through his attorney, William R. Roberts, Assistant State's Attorney, DuPage County, has made a good faith effort to resolve matters before the initial status hearing and, as such, seeks to file his Statement of Compliance. (Attached hereto as Exhibit 1).

WHEREFORE, based on the foregoing, Steven Stelter, by and through his attorney, JOSEPH E. BIRKETT, DuPage County State's Attorney, and his Assistants Paul F. Bruckner and William R. Roberts, and respectfully moves this Court for leave to file his 'Statement of Compliance'.

Respectfully submitted,

By: s/William R. Roberts
William R. Roberts
Assistant State's Attorney

JOSEPH E. BIRKETT
DuPage County State's Attorney
By: Paul F. Bruckner, Assistant State's Attorney
Attorney No. 6206660
By: William R. Roberts, Assistant State's Attorney
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Plaintiff,

v.

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Individually and as Deputy
of the DuPage County Sheriff's Office;
et al.,

Defendants.

Case No. 08 CV 2530

Honorable Ruben Castillo

Magistrate Judge Arlander Keys

STATEMENT OF COMPLIANCE

Defendant Stelter, by and through his attorney, William R. Roberts, Assistant State's Attorney, DuPage County, (hereinafter Roberts) filed his Motion to Dismiss 'Verified Complaint at Law' Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on July 8, 2008. Said motion, including four (4) exhibits, articulates the legal and factual grounds upon which Stelter contends Plaintiff's 'Verified Complaint at Law' should be dismissed. Stelter's motion was served upon the plaintiff through his attorney, Steven M. Komie (hereinafter Komie).

Roberts inadvertently failed to contact Komie prior to filing said Motion to Dismiss in an attempt to resolve issues relating to said motion. On July 14, 2008, Roberts called Komie's office and left a message regarding an attempt to resolve matters before the initial status hearing. As of July 17, 2008, the telephone call had not been returned. On July 15, 2008, DuPage County State's Attorney's Office staff was unsuccessful in attempting to obtain the telefacsimile number for Komie's office in order that a letter summarizing the legal and factual grounds for the motion could be transmitted. Attempts to electronically mail said letter were equally unsuccessful. On July 16, 2008, Roberts sent a letter summarizing the legal and factual grounds for the motion to Komie via 'certified mail'.

Stelter, by and through his attorney, William R. Roberts, Assistant State's Attorney, DuPage County, has made a good faith effort to resolve matters before the initial status hearing.

Respectfully submitted,

By: s/William R. Roberts

William R. Roberts

Assistant State's Attorney

EXHIBIT

1

Kramer et al. v. Stelter et al.
Case No. 08 cv-02530

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